

PE1351/P

Mr David Stewart MSP
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The Scottish Parliament
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5 December 2011

Dear Convener,

Re. PE1351 Public Petitions Committee Hearing on 29 November 2011

Thank you for the opportunity to give evidence to the Public Petitions Committee (the Committee). I note that the Committee also had the opportunity to hear from Scottish Ministers.

The Scottish Human Rights Commission (the Commission) would like to take this opportunity to clarify its proposals for next steps in the process of securing access to justice and remedies for survivors of historic child abuse.

Importantly, as outlined in the framework published in February 2010 and in its evidence to the Committee on 29 November, the Commission reiterates that it is the State which has ultimate responsibility to remedy abuse under international law. The Commission urges the Scottish Government therefore to take leadership and urgently examine what steps can be taken now towards remedies – what can be done today, should be done today. We do not believe that all steps need wait until the conclusion of an interaction, which is likely to take some time to realise effectively.

In its evidence to the Committee, and in previous communication with the Scottish Government, the Commission called for everyone involved - particularly Scottish Ministers - to ensure renewed impetus to advancing justice for survivors of historic child abuse through the development of an action plan to implement all of the Commission's recommendations. To develop a comprehensive action plan – to address those elements of the Commission's recommendations which the Government does not feel able to advance immediately - the Commission has proposed an interaction process where all of those affected, and all of those with responsibilities follow a **FAIR** framework. This starts with an understanding of the **Facts** – primarily based on the views and experiences

of those directly affected; Analyse those facts through the lens of human rights; Identify the common framework of shared actions necessary in response, and finally the parties to the interaction will **Recall** at a later date, to ensure agreed actions have been taken. This process can be an important way of securing action from all of those with responsibilities to provide the full range of remedies and justice in a way that allows Scotland to be a model of best practice. An interaction can be a useful way to negotiate, in a way that includes survivors as well as all of those with responsibility, how do develop an action plan to move forward additional, more complex elements of remedies.

Our proposal to host an interaction has always been contingent on the views of survivors and a commitment from Scottish Ministers to engage in the process and to take seriously the outcomes of that process. As the Commission outlined in its evidence on 29 November, it is pleased that Scottish Ministers very recently agreed to meet with the Commission to discuss their engagement in the process. We hope that in the course of that meeting Ministers will commit to engaging with an interaction to address the full range of recommendations in the Human Rights Framework. The Commission would then develop a more extensive process of preparation to identify what will be needed to enable the various parties – survivors, institutions, government and others – to engage in a successful interaction. This will take place when preparations are completed in 2012.

I hope that this additional information is useful to the Committee in considering next steps with petition PE1351. Should the Committee have a need for further information from the Commission we would of course be delighted to provide it.

Yours truly,

Duncan Wilson